



# MEMORANDUM

Agenda Item No. 7(C)(1)(B)

**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:** June 17, 2003

**FROM:** Steve Shiver  
County Manager

**SUBJECT:** Resolution Establishing Maximum  
Rates for Towing Vehicles at the  
Request of Property Owners and  
Police Agencies

## RECOMMENDATION

It is recommended that the Board approve the attached Resolution rescinding Resolution No. R-130-99 and establishing revised maximum towing rates for Class A, B, C and D vehicles for companies providing towing services from private property at the request of the property owner, but without the consent of the vehicle owner, and a revised maximum towing rate for Class A, B, C, and D vehicles for companies providing nonconsensual towing services requested by a police agency. The proposed rates will become effective on October 10, 2003.

## BACKGROUND

Section 125.0103, Florida Statutes, requires counties to establish maximum fees which may be charged for the towing of vehicles from private property without the consent of the vehicle's owner or authorized operator. The law also requires the establishment of maximum fees for removal and storage of wrecked or disabled vehicles from an accident scene, or for the removal and storage of vehicles in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle. Counties are prohibited from regulating rates for voluntary tows.

Article III of Chapter 30 of the Code of Miami-Dade County, which sets forth the County's towing regulations, permits the Board of County Commissioners to establish the maximum rates for non-consent tows. Maximum rates provide a rate ceiling, although individual towers may establish rates that are lower than the maximum permitted rates.

On February 2, 1999, the Board adopted Resolution No. R-130-99 which increased the maximum rates set in 1993. Recognizing that four years have passed since the last review and revision, it is appropriate to consider an adjustment of the rates to reflect changes in the cost of doing business due to inflation. For example, the cost of fuel and insurance has increased dramatically. The Consumer Price Index (CPI) for Transportation has increased an average of 2.5% annually since rates were last reviewed.

The attached resolution, which supersedes R-130-99, recommends an increase in Class A, B, C, and D maximum towing rates to a level approximating the increase in the CPI.

The charge for towing and storage of vehicles is determined by the gross vehicle weight of the vehicle being towed, which in turn determines the size of the tow truck required. The vast majority of tows are categorized as Class "A", which covers most passenger vehicles. The maximum rate for non-consent tows for Class "A" vehicles is presently \$88. This resolution increases the Class A rate by 10% to \$97.

A matrix which compares current and proposed Miami-Dade County rates with those of other jurisdictions is attached.

The rates will become effective on October 10, 2003.



# MEMORANDUM

(Revised)

**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:** June 17, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 7(C)(1)(B)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(C)(1)(B)  
6-17-03

RESOLUTION NO. \_\_\_\_\_

RESOLUTION RESCINDING RESOLUTION R-130-99,  
ESTABLISHING NEW REVISED MAXIMUM RATES FOR  
TOWING, RECOVERY AND STORAGE OF VEHICLES AT  
THE REQUEST OF PRIVATE PROPERTY OWNERS, POLICE  
AGENCIES, AND ALL OTHER TOWS WITHOUT PRIOR  
CONSENT OF THE VEHICLE OWNER OR A DULY  
AUTHORIZED DRIVER

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that effective October 10, 2003, the maximum uniform rates for towing, recovery and storage of abandoned or unauthorized vehicles at the request of the owners of private property on which the vehicles are parked and for non-consent police ordered tows are hereby established as follows:

**Section 1.** Resolution No. R-130-99, adopted on February 2, 1999, is rescinded effective October 10, 2003.

**Section 2.** **Definitions.**

For the purpose of this resolution, the following definitions shall apply:

1. "Administrative Fee" shall mean the fee that is charged for title and lien search, advertising costs, and notification of lien holder and owner of the whereabouts and charges against a vehicle or vessel.
2. "Extra Labor Time" shall mean the amount of manpower that is reasonably needed above and beyond the operator of the tow truck to safely effect the removal of a vehicle or its load from the scene of an accident or other incident

requiring a tow. Extra labor shall also include "load and offload" time, such as when special circumstances arise in which additional time is necessary to "offload" the vehicle at the storage facility or other location. All special "load and offload" circumstances must be approved by the officer on the scene. No travel time shall be included.

3. "Waiting Time" shall mean the amount of time spent at a scene when a tow truck and operator have been summoned and are on the scene but unable to proceed through no fault of the tow truck operator. No travel time shall be included.

**Section 3. Categories and Maximum Rates for Towing Services.**

**A. Class "A" Private Property Trespass Tows.** Set forth below are the maximum rates for providing recovery, towing and removal services at the request of a property owner or his or her authorized representative without the prior consent of the vehicle owner or other authorized person in control of the vehicle:

**Class "A" Tow Vehicle.**

- a. Maximum Rate.....\$97.00
- b. Rate if released on scene.....\$48.50
- c. No ancillary fees are authorized.

**B. Class "A" Other Tows Without Consent.** Set forth below are the maximum rates for providing recovery, towing and removal services for all other tows without the prior consent of the vehicle owner or a dully authorized driver of the vehicle including, but not limited to, those performed at the request of a police agency:

**Class "A" Tow Vehicle.**

- a. Tow Rate (hook-up and 1<sup>st</sup> ½ hr. at scene) .....\$97.00
- b. Per towed Mile after first 5 miles .....\$ 3.00
- c. Extra labor/waiting time at scene (after first ½ hour) per  
¼ hour thereafter.....\$24.25

**C. Classes "B", "C" and "D" Private Property Trespass Tows and All Other Tows Without Consent.** Set forth below are the maximum rates for providing recovery towing and removal services for Private Property Trespass Tows and all other tows without the prior consent

of the vehicle owner or a duly authorized driver of the vehicle including, but not limited to, at the request of a police agency:

**1. Class "B" Tow Vehicle**

- a. Tow Rate (hook-up and 1<sup>st</sup> ½ hour at scene) .....\$165.00
- b. Per Towed Mile after first 5 miles .....\$3.50
- c. Extra Labor/waiting time at scene (after first ½ hour) per  
¼ hour thereafter .....\$ 41.75

**2. Class "C" Tow Vehicle**

- a. Tow Rate (hook-up and 1<sup>st</sup> ½ hour at scene).....\$193.00
- b. Per Towed Mile after first 5 miles.....\$4.50
- c. Extra Labor/waiting time at scene (after first ½ hour) per  
¼ hour thereafter .....\$48.25

**3. Class "D" Tow Vehicle**

- a. Tow Rate (hook-up and 1<sup>st</sup> ½ hour at scene).....\$220.00
- b. Per Towed Mile after first 5 miles.....\$4.50
- c. Extra Labor/waiting time at scene (after first ½ hour) per  
¼ hour thereafter .....\$55.00

**D. Miscellaneous other Charges Applicable to Classes "A", "B", "C", and "D"**

**above:**

**1. Lowboy Flatbed Services**

- a. Tow Rate (hook-up and 1<sup>st</sup> ½ hour at scene).....\$193.00
- b. Per Towed Mile after first 5 miles .....\$ 4.50
- c. Extra Labor/waiting time at scene (after first ½ hour) per  
¼ hour thereafter .....\$48.25

**2. Dollies**

Class "A" (except Private Property Tows) .....\$35.00 Per Job

**3. Underwater Recovery Salvage Divers**

- a. For First Hour/per diver .....\$125.00
- b. For each additional 15 minutes.....\$31.25

Per ¼ hour or any fraction thereof over the first hour/per diver.

**E. Administrative Fee:**

- a. After First 24 hours.....\$30.00 Per Vehicle
- b. All actual fees imposed by a state for obtaining pertinent ownership information and actual postage fees will be in addition to a. above.

**F. Storage Rates:**

The following rates shall be set for the storage of vehicles. However, pursuant to section 713.78 (2), Florida Statutes, no storage fee shall be charged if the vehicle is stored for less than six (6) hours, rather than by calendar day.

**1. Inside Storage**

- a. Cars.....\$25.00 Per Day
- b. Motorcycles and Scooters.....\$12.00 Per Day
- c. Any Vehicle/Trailer over 20 feet.....\$40.00 Per Day

**2. Outside Storage**

- a. Cars.....\$20.00 Per Day
- b. Motorcycle and Scooters.....\$10.00 Per Day
- c. Any Vehicle/Trailer over 20 feet.....\$35.00 Per Day

**G. Other Rates:**

No other rates other than those listed herein will be levied against the vehicle owner or authorized representative for Class "A" and "B" towing and recovery. For Class "C" and "D" specialized recovery, the towing companies' prevailing rates will apply. Examples of this service include, but are not limited to, hazardous material recovery, aircraft recovery, and air cushion recovery.

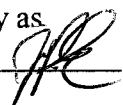
The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrian D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of June, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency.   
Jeffrey P. Ehrlich

By: \_\_\_\_\_  
Deputy Clerk



**Maximum Allowable Towing, Storage and Administrative Fees -- Comparative Rates**

	Non-Consent Towing Rates					Per Mile Rates					Daily Storage Rates							
Class	A	B	C	D	Hours Free	A	B	C	D	Miles Free	A In/Out	B In/Out	C In/Out	D In/Out	Lien/ Title Fee	After hour gate fee	After hour property retrieval fee	
Miami-Dade County – CURRENT RATES	88	150	175	200	.5	3	3.50	4.50	4.50	5	25/20	25/20	40/35	40/35	30	0	N/R	
Miami-Dade County - PROPOSED	97	165	193	220	.5	3	3.50	4.50	4.50	5	25/20	25/20	40/35	40/35	30	0	0	
Brevard County - 2001	100	175	250	Var	.5	2.50	3.50	4.50	Var	10	20/20	30/30	35/35	55/55	30	0	0	
Brevard County - 2003	100	175	250	400	.5	2.75	3.50	4.70	6.00	10	25/20	30/28	58/47	60/60	30	50	50	
Broward County - 2001	78	112	145	180	.25	0	0	0	0	N/R	28/22	33/33	45/45	45/45	33	0	N/R	
Broward County - 2003	78	112	145	180	.25	0	0	0	0	N/R	28/22	33/33	45/45	45/45	33	N/R	N/R	
Collier County - 2001	90	125	185	225		2	3	4.50	5.50	10	32/30	32/30	32/30	32/30	N/R	N/R	N/R	
Collier County - 2003	90	125	185	225		2	3	4.50	5.50	0	32/30	32/30	32/30	32/30	N/R	N/R	N/R	
Duval County (Jacksonville) - 01	83	95	200	N/R	.5	2.40	3	N/R	N/R	0	21/18	29/24	N/R	N/R	25	0	N/R	
Duval County (Jacksonville) - 03	83	95	200	N/R	.5	2.40	3	N/R	N/R	0	21/18	29/24	N/R	N/R	25	N/R	N/R	
Glades County - 2001	125	200	300	400	.5	3	5	6	9	10	30/20	50/20	50/20	50/20	0	0	N/R	
Glades County - 2003	125	200	300	400	.5	3	5	6	9	10	30/20	50/30	50/30	50/30	35	N/R	N/R	
Hillsborough County - 2001	95	95	N/R	N/R	Flat	2	2	N/R	N/R	10	10/10	10/10	N/R	N/R	35	0	N/R	
Hillsborough County - 2003	95	120	250	N/R	.5	3	3	5	N/R	0	20/20	30/30	50/50	N/R	40	N/R	N/R	
Manatee County - 2001	100	150	200	N/R	.5	3	4	5	N/R	10	20/20	30/30	50/50	N/R	35	35	N/R	
Manatee County - 2003	100	150	200	N/R	.5	3	4	5	N/R	0	20/20	30/30	50/50	N/R	N/R	N/R	N/R	

[illegible]